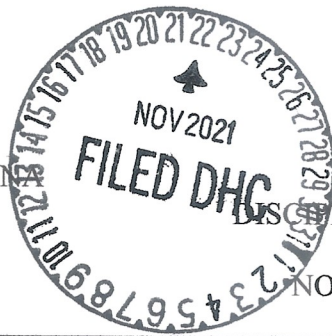


STATE OF NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
21 DHC 28

THE NORTH CAROLINA STATE BAR,
Plaintiff
v.
R. CHERRY STOKES, Attorney,
Defendant

COMPLAINT

Plaintiff, complaining of Defendant, alleges and says:

1. Plaintiff, the North Carolina State Bar ("State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar (Chapter 1 of Title 27 of the North Carolina Administrative Code).

2. Defendant, R. Cherry Stokes ("Stokes" or "Defendant"), was admitted to the North Carolina State Bar in 1972, subsequently disbarred in 1987, readmitted in 1993, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Rules of Professional Conduct.

Upon information and belief:

3. During all or part of the relevant periods referred to herein, Defendant was engaged in the practice of law in the State of North Carolina and maintained a law office in Greenville, Pitt County, North Carolina.

4. On or about 11:07 p.m. on November 3, 2018, Defendant, after consuming alcohol and doxylamine, operated a 2013 Chevrolet on Highway 11 in Pitt County, North Carolina, traveling south.

5. Driving on the highways of North Carolina while under the influence of an impairing substance is a violation of N.C. Gen. Stat. § 20-138.1.

6. At or about the time Defendant was operating his vehicle on Highway 11 as described in paragraph four above, a disabled vehicle, a 2010 Toyota, was stopped facing south ahead of Defendant's direction of travel on Highway 11.

7. At or about the time Defendant was operating his vehicle on Highway 11 as described in paragraph four above, a 2013 Chrysler van occupied by one adult female and seven children was stopped ahead of Defendant's direction of travel on Highway 11 facing south with its emergency lights activated.

8. The driver of the 2013 Chrysler van had stopped to render assistance to the occupant(s) of the 2010 Toyota.

9. Without engaging his brakes, Defendant's 2013 Chevrolet collided with the rear of the 2013 Chrysler van at approximately 55 miles per hour.

10. The collision caused serious injury to the eight occupants of the 2013 Chrysler van.

11. At the time Defendant's 2013 Chevrolet collided with the 2013 Chrysler van, Defendant was operating his vehicle while under the influence of an impairing substance in violation of N.C. Gen. Stat. § 20-138.1

12. Defendant's operation of his 2013 Chevrolet while under the influence of an impairing substance in violation of N.C. Gen. Stat. § 20-138.1 was the proximate cause of the serious injuries to the eight occupants of the 2013 Chrysler van.

13. On or about June 24, 2019 and January 27, 2020, indictments were returned in Pitt County charging Defendant with felonious serious injury by vehicle in violation of N.C. Gen. Stat. § 20-141.4(a3) in Pitt County cases 19CRS001034, 20CRS000100, 20CRS00102, 20CRS00104, 20CRS00106, 20CRS00108, 20CRS00111 and 20CRS00113.

14. On or about June 25, 2021, Defendant pled guilty to and was convicted of eight (8) counts of felonious serious injury by vehicle in violation of N.C. Gen. Stat. § 20-141.4(a3) in Pitt County cases 19CRS001034, 20CRS000100, 20CRS00102, 20CRS00104, 20CRS00106, 20CRS00108, 20CRS00111 and 20CRS00113.

15. The elements of felonious serious injury by vehicle in violation of N.C. Gen. Stat. § 20-141.4(a3) are: 1) unintentionally causing serious injury to another person, 2) while engaged in the offense of impaired driving under N.C. Gen. Stat. § 20-138.1, and 3) the commission of the offense of impaired driving is the proximate cause of the serious injury.

16. Based on his conviction of eight counts of felonious serious injury by vehicle, Defendant was sentenced to two consecutive terms of 19 months minimum to 32 months maximum in the custody of the North Carolina Division of Adult Correction, which was suspended for 48 months of supervised probation subject to conditions. The conditions include abstention from alcohol for a period of six (6) months and surrender of driver's license for four (4) years.

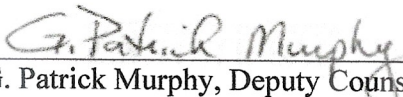
THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline as follows:


- (a) Pursuant to N.C. Gen. Stat. § 84-28(b)(1) in that by Defendant's guilty plea to eight counts of felonious serious injury by vehicle in violation of N.C. Gen. Stat. § 20-141.4(a3) he has been convicted of criminal offenses showing professional unfitness; and
- (b) Pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct in effect at the time of the conduct as follows:
 - i. By operating his 2013 Chevrolet while under the influence of an impairing substance(s) and proximately causing serious injury to eight individuals, Defendant committed criminal acts, eight counts of felonious serious injury by vehicle, that reflect adversely on his honesty, trustworthiness, or fitness as a lawyer in violation of Rule 8.4(b).

WHEREFORE, Plaintiff prays that:

- (1) Disciplinary action be taken against Defendant in accordance with N.C. Gen. Stat. § 84-28 as the evidence on hearing may warrant;
- (2) Defendant be taxed with the administrative fees and costs permitted by law in connection with this proceeding; and
- (3) For such other and further relief as is appropriate.

THIS the 22nd day of November, 2021.


G. Patrick Murphy, Deputy Counsel
State Bar No. 10443


Thomas L. Crosby, Deputy Counsel
State Bar No. 42757

Attorneys for Plaintiff
The North Carolina State Bar
P.O. Box 25908
Raleigh, NC 27611
919-828-4620

Signed pursuant to 27 N.C. Admin. Code 1B.0113(m) and .0105(a)(10).

A handwritten signature in dark ink, appearing to read "Matthew Smith", is written over a horizontal line.

Matthew Smith, Chair
Grievance Committee